

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 26, 2004

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Butz, Associate Justice; and Guzman, bailiff.

C043879 LUCIANO v. COMMISSION ON TEACHER CREDENTIALING

Cause called. Leslie P. McElroy, Deputy Attorney General, appeared for appellant. Michael Rothschild appeared for respondent. A stipulation was filed by the parties. Certificate will be issued to respondent. Appellant will pay respondent the sum of \$788.64 for costs incurred. Respondent hereby waives any and all claims to attorney fees.

At 9:36 a.m., the court recessed. At 9:41 a.m., the court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C042544 LEVIN et al. v. BARNER et al.

Cause called. William M. Simpich argued for appellants. John Hagar argued and Michael A. Ralston, Deputy County Counsel appeared only for respondents. Cause submitted.

At 10:05 a.m., the court recessed until 9:30 a.m., Tuesday, April 27, 2004.

C040811 THE PEOPLE v. ROSS (Not for Publication)

The matter is remanded to the trial court for a determination of the appropriate custody credits and imposition of the mandatory laboratory analysis fee... In all other respects, the judgment is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.
 Davis, J.

C042117 THE PEOPLE v. IRVING (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Nicholson, Acting P.J.
 Morrison, J.

C043648 THE PEOPLE v. RODRIGUEZ (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We concur: Davis, Acting P.J.
 Nicholson, J.

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The Minutes

April 26, 2004, continued

- C043876 THE PEOPLE v. BOWDEN (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Nicholson, Acting P.J.
Raye, J.
- C044615 THE PEOPLE v. STROTHER (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Davis, Acting P.J.
Robie, J.
- C043832 FINANCIAL PACIFIC INSURANCE COMPANY v. SILVA (Not for Publication)**
The judgment is reversed, and the matter is remanded to the trial court for further proceedings consistent with this opinion. We award costs on appeal to Financial Pacific. (Cal. Rules of Court, rule 27.)
NICHOLSON, Acting P.J.
We concur: Raye, J.
Robie, J.
- C044678 PREHEIM et al. v. COUNTY OF SHASTA et al. (Not for Publication)**
The judgment is affirmed. The County shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a).)
BUTZ, J.
We concur: Nicholson, Acting P.J.
Morrison, J.
- C041868 In re VICTOR H.; THE PEOPLE v. VICTOR H. (Not for Publication)**
The jurisdictional order is modified... The juvenile court shall prepare a minute order reflecting these changes and forward a certified copy to the California Youth Authority. In all other aspects, the judgment (order committing the minor to the California Youth Authority) is affirmed.
HULL, J.
We concur: Nicholson, Acting P.J.
Raye, J.

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The Minutes

April 26, 2004, continued

C043152 THE PEOPLE v. SUMAHIT

BY THE COURT:

This court's order filed April 23, 2004, denying appellant's petition for rehearing is vacated.

Appellant's petition for rehearing is granted. The decision filed on March 29, 2004, is vacated.

SIMS, Acting P.J.

April 27, 2004

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Guzman, bailiff.

C045684 In re JACKIE DON WHITE on Habeas Corpus

Order to Show Cause hearing held. Continued from 04/27/04. Witnesses called, sworn in and heard. Exhibits w-gg entered into evidence. Court takes judicial notice of C034372. In open court Order to Show Cause served on Mr. Dangler for C046271. Mr. Dangler to appear on 5/26/04 at 9:30 a.m. Mr. Dangler to provide this court with settlement proposal. Matter continued to 5/26/04 at 9:30 a.m.

At 1:23 p.m., the court recessed until 9:30 a.m., Monday, May 17, 2004.

C043463 THE PEOPLE v. MOORE

(Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

Morrison, J.

C044214 THE PEOPLE v. PULLEY

(Not for Publication)

The judgment is modified... The superior court shall issue a modified abstract of judgment reflecting these changes and forward a certified copy to the Department of Corrections. In all other aspects, the judgment is affirmed.

ROBIE, J.

We concur: Davis, Acting P.J.

Butz, J.

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STATE OF CALIFORNIA
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The Minutes

April 27, 2004, continued

- C044286 THE PEOPLE v. LARUE (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment, corrected as noted in the opinion, and to forward a certified copy of the amended abstract to the Department of Corrections.
SIMS, J.
We concur: Scotland, P.J.
Raye, J.
- C044575 THE PEOPLE v. MATHERS (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect that defendant was sentenced as a two-strike offender (item 4), and to forward a certified copy of the amended abstract to the Department of Corrections.
BUTZ, J.
I concur: Morrison, J.
I concur in the result.
BLEASE, Acting P.J.
- C044601 THE PEOPLE v. LOPEZ (Not for Publication)**
The order appealed from is affirmed.
Blease, Acting P.J.
We concur: Morrison, J.
Butz, J.
- C045510 THE PEOPLE v. ANDERSON (Not for Publication)**
The judgment is affirmed.
SIMS, J.
We concur: Scotland, P.J.
Raye, J.
- C042359 GAMBETTI et al. v. VALENTINE et al. (Not for Publication)**
The judgment is affirmed. Costs on appeal are awarded to defendants. (Cal. Rules of Court, rule 27(a).)
BUTZ, J.
We concur: Davis, Acting P.J.
Morrison, J.

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April 27, 2004, continued

C043532 MIKEL v. KERR MANUFACTURING COMPANY

(Not for Publication)

The judgment in favor of Kerr is affirmed. The appeal has been dismissed as to Severen.

DAVIS, Acting P.J.

We concur: Nicholson, J.

Robie, J.

C043618 MOHR v. MOHR

(Not for Publication)

The judgment is reversed to the extent it awards \$5.71 to Cordell on the third cause of action. In all other respects, the judgment is affirmed. Each party shall pay his own costs on appeal.

DAVIS, Acting P.J.

We concur: Morrison, J.

Hull, J.

C044885 GETZ, as Trustee, etc. et al. v. MERCEDES-BENZ OF BAKERSFIELD

(Not for Publication)

The judgment is reversed with respect to plaintiffs' cause of action for negligence. In all other respects, the judgment is affirmed. Plaintiffs shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a).)

SCOTLAND, P.J.

We concur: Sims, J.

Davis, J.

**C044264 In re ROBERT S., JR.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. ROBERT S., SR.**

(Not for Publication)

The orders of the juvenile court are affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.

Morrison, J.

C041604 THE PEOPLE v. MYSIN

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

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April 28, 2004, continued

- C044634 THE PEOPLE v. ALEXANDER (Not for Publication)**
The trial court is ordered to correct the written probation order to accurately reflect the probation conditions imposed:... In all other respects, the judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Sims, J.
- C045077 THE PEOPLE v. FELTON (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
Butz, J.
- C041904 CRANE v. CRANE (Not for Publication)**
C042783
The assignment of the line of credit debt to Richard and the credit card debt to Joan is reversed... In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)
MORRISON, J.
We concur: Sims, Acting P.J.
Butz, J.
- C042378 WETZEL v. GETZ (Not for Publication)**
The judgment is reversed and the matter remanded to the trial court with directions to enter a new order denying defendant's motion for summary judgment. Plaintiff is awarded costs on appeal.
HULL, J.
We concur: Davis, Acting P.J.
Morrison, J.
- C043999 WESTWOOD GREYHAWK, LTD. v. U.S. BANK NATIONAL ASSOCIATION et al. (Not for Publication)**
The judgment is affirmed.
MORRISON, Acting P.J.
We concur: Hull, J.
Butz, J.

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April 30, 2004

C041008	THE PEOPLE v. HARRIS The judgment is affirmed. MORRISON, J. I concur: Nicholson, Acting P.J. I concur, but as to part III, I concur in the result. Robie, J.	(Not for Publication)
C043692	THE PEOPLE v. BROWN The judgment is affirmed. RAYE, J. We concur: Scotland, P.J. Sims, J.	(Not for Publication)
C042624	HANNES v. PECHNER The judgment is affirmed. HULL, J. We concur: Scotland, P.J. Raye, J.	(Not for Publication)
C043880	SMITH et al. v. STRATTON et al. The judgment is affirmed. BUTZ, J. We concur: Davis, Acting P.J. Hull, J.	(Not for Publication)